

ORIGINAL

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Approved: Thomas John Wright
THOMAS JOHN WRIGHT
Assistant United States Attorney

Before: THE HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York

- - - - - X
: COMPLAINT
:
UNITED STATES OF AMERICA : Violations of
: 18 U.S.C. §§ 2252A and
- v. - : 2
:
GEORGE PAGAN, : COUNTY OF OFFENSE:
a/k/a "tony" : BRONX
Defendant. :
:
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

KAREN RAMOS, being duly sworn, deposes and says that she is a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations ("HSI"), and charges as follows:

COUNT ONE

(Receipt and Distribution of Child Pornography)

1. On or about July 5, 2017, in the Southern District of New York and elsewhere, GEORGE PAGAN, a/k/a "tony," the defendant, knowingly did receive and distribute and attempt to receive and distribute material that contains child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, PAGAN distributed over the Internet a video of a minor engaging in sexually explicit conduct.

(Title 18, United States Code, Sections 2252A(a)(2)(B),
(b)(1), and 2.))

COUNT ONE TWO

TJW 04/02/2019

KR 04/02/2019

(Possession of Child Pornography)

2. From at least in or about November 2016 up to and including at least on or about March 28, 2019, in the Southern District of New York and elsewhere, GEORGE PAGAN, a/k/a "tony," the defendant, knowingly did possess and access with intent to view, and attempt to possess and access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material containing an image of child pornography that had been mailed, shipped, and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, PAGAN possessed images and videos of minors engaging in sexually explicit conduct in his residence in Bronx County, New York.

(Title 18, United States Code, Sections 2252A(a)(5)(B),
(b)(2), and 2.)

3. The bases for my knowledge and for the foregoing charge are, in part, described in the following paragraphs.

4. I am a Special Agent with HSI and am currently assigned to the Child Investigation and Exploitation Unit of the New York Field Office of HSI ("HSI New York"). I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents and other individuals, as well as my examination of reports and other records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported in this Complaint, they are reported in substance and in part, except where otherwise indicated.

5. As set forth below, there is probable cause to believe that GEORGE PAGAN, a/k/a "tony," the defendant, distributed child pornography over the Internet on or about July 5, 2017 and possessed child pornography in his residence in Bronx County, New York from at least in or about November 2016 up to and including on or about March 28, 2019. I use the term "child

pornography" here and hereinafter as that term is defined at 18 U.S.C. § 2256(8).

The Investigation

6. Based on my conversations with other law-enforcement officers about an ongoing investigation into the use of Chatstep, an anonymous web-based chat room service, to distribute child pornography, my review of reports and other records created in the course of this investigation or otherwise obtained from third parties, including Chatstep, I have learned, among other things, the following, in substance and in part:

a. On or about July 6, 2017 at approximately 2:05 PM New Zealand Standard Time ("NZST"), an undercover law-enforcement officer (the "UC") assigned to the New Zealand Digital Child Exploitation Team (the "NZDCET"), a law-enforcement agency based in New Zealand that investigates crimes involving child exploitation, was present in a chat room that was titled "GGG" and that was maintained by Chatstep, an anonymous web-based chat room service that does not require any form of user registration and that ceased to operate at some point between the end of 2018 and the beginning of 2019.

i. In order to use Chatstep when the web-based chat room service was operational from at least 2016 through at least 2018, a user would navigate on the Internet to the homepage of Chatstep, type a room name and a nickname or alias for the user, and click "Enter," at which point the user would join the specified chat room under the specified nickname or alias. Each chat room, which could be created by a user in seconds, could accommodate simultaneously up to 50 users, each of whom was able to "chat" with the others in a thread of conversation that substantially mirrored in its appearance and functionality the interface of most popular instant-message or text applications on multifunction cellphones, with which Chatstep was also compatible.

ii. A user on Chatstep in such a chat room could type text communications as well as post files, which were distributed instantaneously to all of the other users in the chat room. If the file was an image, then Chatstep allowed users to preview that image in the window of the chat room as well as follow a hyperlink that allowed users to download the image or other file, including video recording files.

iii. Chatstep did not retain copies of chats or any images or other files that were posted during chats. The only data that Chatstep retained were records associated with a

user's entrance to a room, in particular the nickname or alias of the user, its associated Internet Protocol ("IP") address, the name of the room, and the time of entrance in Coordinated Universal Time ("UTC").¹

iv. Given its lack of set-up requirements, Chatstep was an effective and flexible way for friends, family members, and business associates, however far separated in space and time, to communicate freely and instantaneously at no cost.

v. For similar reasons and in light of its anonymity and lack of data preservation, Chatstep was also a popular forum for users seeking to distribute child pornography and was monitored by law-enforcement agencies across the United States and around the world, such as the NZDCET.

b. On July 6, 2017 at approximately 2:05 PM NZST, after having entered the GGG chat room on Chatstep, the UC identified that the users of this chat room were using the chat room to discuss and exchange child pornography and child erotica, a term which I use here and hereinafter to mean sexually suggestive visual depictions of minors that do not constitute child pornography. While simultaneously monitoring other chat rooms on Chatstep, the UC began to record the thread of conversation in the GGG chat room, including preserving as many images and other files that were posted there as possible.

c. In the course of this work, at a time when there were multiple users in the GGG chat room, the UC began to focus on a user associated with the nickname or alias "tony," who entered the GGG chat room on July 6, 2017 at approximately 2:46 PM NZST. For approximately the next 45 minutes, during which time the UC was recording the thread of conversation in the GGG chat room and preserving certain files that were posted there. During this time period, "tony" posted 10 files, one of which was a video recording file.

d. With respect to the video recording file, which the UC preserved and which "tony" posted on July 6, 2017 at approximately 3:19 PM NZST or July 5, 2017 at approximately 11:19 PM EDST, I have reviewed it and identified it as child pornography, based on my training and experience. In

¹ As is most relevant given the events detailed in this Complaint, on or about July 6, 2017, Coordinated Universal Time or "UTC" was 12 hours behind New Zealand Standard Time or "NZST," which encompasses the entirety of New Zealand, and was four hours ahead of Eastern Daylight Savings Time or "EDST." Thus, by way of a relevant example given the events detailed in this Affidavit, 15:19 or 3:19 PM NZST on July 6, 2017 was 3:19 UTC on July 6, 2017 and 23:19 or 11:19 PM EDST on July 5, 2017.

particular, the video recording file contains approximately 30 seconds of footage, which depict two persons, an adult male shown only from the waist down, who is manually masturbating his exposed genitalia, and a young girl of approximately elementary-school age, who based on my training and experience was under the age of eighteen, who is clothed, and who is positioned in front of the adult male inside what appears to be a bedroom with a bed and other furniture visible in the background. During the footage, the adult male, who speaks in English, states, "Open your mouth," at which point the young girl moves forward toward his genitalia, "Back up back up," at which point the young girl backs away from his genitalia, and "Open your mouth," at which the young girl opens her mouth and the adult male ejaculates on her face. Amidst the laughter of the adult male, the young girl twice asks in English, "What is that?" The video recording file that "tony" posted was titled, "6whatsIsTHAT.mp4."²

e. On or about July 6, 2017, the NZDCET--which was working with Chatstep at this same time in the course of the investigation into the use of Chatstep to distribute child pornography--obtained from Chatstep the IP address ("IP Address-1") associated with "tony," the user that posted the video recording file titled, "6whatsIsTHAT.mp4." After researching IP Address-1, the NZDCET identified that it was associated with an internet service provider based in the United States ("ISP-1"), and referred the matter to the Phoenix Regional Office of HSI ("HSI Phoenix").

f. Thereafter, in December 2017, law-enforcement personnel in HSI Phoenix identified from information obtained from ISP-1 that on or about July 6, 2017 at approximately 3:19 AM UTC, ISP-1 listed a subscriber of "George Pagan" and a subscriber address for a residence located in Bronx County, New York (the "Subject Premises") for IP Address-1, which was associated with "tony," the user of Chatstep that posted the video recording file titled, "6whatsIsTHAT.mp4," on July 6, 2017 at approximately 3:19 PM NZST or July 6, 2017 at approximately 3:19 AM UTC or on July 5, 2017 at approximately 11:19 PM EDST in the GGG chat room.³ After identifying this

² Based on my training and experience, pedophiles who distribute and receive child pornography often title images or video recordings in a descriptive manner that also includes the age of the victimized child. Here, the title of the video recording file, "6whatsIsTHAT.mp4" and in particular its incorporation of "6," is consistent with my belief in the approximate age of the young girl depicted in the video recording file.

³ The information obtained from ISP-1 also showed that "George Pagan" had been a subscriber of ISP-1 since in or about September 2009. "

location in the metropolitan area of the City of New York, HSI Phoenix referred the matter to HSI New York.

7. In August 2018, together with other law-enforcement personnel in HSI New York, I identified from information obtained from Chatstep that between in or about November 2016 and in or about January 2018, a user or users of Chatstep associated with IP Address-1--the same IP address that was tied through information obtained from Chatstep to "tony," the user that posted the video recording file titled, "6whatsIsTHAT.mp4," and that was further tied through information obtained from ISP-1 to "George Pagan" and the Subject Premises--had entered chat rooms on Chatstep at a minimum on over 3,000 separate occasions. The user or users associated with IP Address-1, which was tied to "tony," "George Pagan," and the Subject Premises used dozens of aliases in connection with entering these chat rooms, most frequently adopting proper names such as "tony," for example, which are repeated on hundreds of occasions, but also less frequently choosing other descriptive phrases, including "tonyBoiLuv," for example, which reference, based on my training and experience, both pornographic and pedophilic themes, as this illustrative example highlights. Despite the volume of these aliases, because they are all tied to IP Address-1, which is in turn tied to "George Pagan" and the Subject Premises (which is itself further tied to GEORGE PAGAN, a/k/a "tony," the defendant, as detailed in ¶¶ 9-10 infra), I believe that a single user, namely PAGAN, not multiple users, deployed the numerous aliases to conceal the nature and extent of his use of Chatstep from Chatstep, other users of Chatstep, and law-enforcement agencies. Significantly, as detailed in ¶ 11 infra, following execution of a search warrant last week at the Subject Premises, PAGAN stated, in substance and in part, to other law-enforcement agents by whom I am informed that he was the user of the alias "tony" and the other aliases that appeared on Chatstep and that are associated with IP Address-1.

8. Of the hundreds of chat rooms on Chatstep entered by GEORGE PAGAN, a/k/a "tony," the defendant, based on my training and experience, I believe that many of these chat rooms, based on the names of the chat rooms, functioned akin to the GGG chat room as a forum for pedophiles to exchange child erotica and child pornography. I set out below an illustrative sample of these names of the chat rooms that are paired with a specific date--which is typically one illustrative date among many other dates--on which PAGAN entered that specific chat room:

11/04/2016	vvvudnreeagHorny
11/04/2016	udnreeagHVMILIATION

11/05/2016	CaliforniaYngLvrs
01/13/2017	twlveandup
01/29/2017	pedo1
03/15/2017	Pedo2
03/20/2017	ChildPorn
03/27/2017	6ixTU13
03/29/2017	12ishTo16ishBYZZ
03/29/2017	toDDler
03/31/2017	under8
03/31/2017	3Nup
04/15/2017	GurlzFourThruEleven
04/30/2017	Todlover
07/04/2017	FithXGrade
07/04/2017	zer0nuup
07/05/2017	xpxexdxox
07/07/2017	8to15yeaar
09/08/2017	twaylfeandup
09/30/2017	Zeventiin
11/26/2017	YungLegz
12/03/2017	BoiLuv
12/04/2017	LittleGirls
12/05/2017	TwelveAbove
12/17/2017	12yolover

With reference to these examples, which I emphasize again reflect an illustrative sample from among hundreds of names of chat rooms, based on my training and experience, I am familiar with the practice of pedophiles using age ranges or other phrases to describe the specific content of child pornography distributed in a chat room or similar forum with reference to the approximate age of the child or children victimized in the child pornography. In this same vein, in order to avoid detection by the hosts of such chat rooms or similar forums and of course also law-enforcement agencies, such pedophiles will intentionally misspell words or phrases facially suggestive of or otherwise tied in this respect to the distribution and receipt of child pornography by omitting letters (e.g., "twlveandup" for "twelve and up"), scrambling or substituting letters (e.g., "udnreeagHVMILIATION" for "underage humiliation"), deploying abbreviations (e.g., "12yolover" for "12 year old lover") or spelling phonetically (e.g., "twaylfeandup"). Based on my training and experience, I am also familiar with the expedience of clarity sometimes trumping such efforts to deceive among pedophiles with respect to the distribution and receipt of child pornography, examples of which are also present in this illustrative sample (e.g., "Pedo2" for "Pedophile 2" and "ChildPorn" for "Child Pornography"). Significantly, again, as detailed in ¶ 11 infra, following

execution of a search warrant last week at the Subject Premises, PAGAN stated, in substance and in part, to other law-enforcement agents by whom I am informed that he visited numerous chat rooms on Chatstep in which users, including himself, distributed and received child pornography.

The Search Warrant

9. Based on the foregoing investigation, I conducted surveillance at the Subject Premises on multiple occasions, including on or about March 18, 2019, when I visited the Subject Premises with a fellow law-enforcement officer to personally familiarize myself with the door to the Subject Premises and to ascertain further, to the extent possible, the present occupant or occupants of the Subject Premises. At the door to the Subject Premises, a fellow law-enforcement officer knocked. After I heard a female voice inside the Subject Premises call out "George," GEORGE PAGAN, a/k/a "tony," the defendant, whom I am informed the fellow law-enforcement officer saw and recognized based on familiarity with a known photograph of PAGAN, opened the door to the Subject Premises. Next, I heard PAGAN explain from the threshold of the Subject Premises that he has resided in the Subject Premises since 2003.

10. On March 28, 2019, I participated in executing a search warrant at the Subject Premises, in which GEORGE PAGAN, a/k/a "tony," the defendant, was present.⁴ Inside the Subject Premises, together with other law-enforcement agents, I conducted a search, pursuant to which I seized approximately 30 devices containing electronically stored information. To date, my review of these devices is at its outset; however, I have been able to review the electronically stored information present on one (1) external drive (the "External Drive"). On the External Drive, I have located over 2,000 files, a sample of which are image and video recording files that I have individually previewed and identified based on my training and experience are child pornography. I detail a limited number of video recording files from this sample on the External Drive below, including their titles, total lengths (where observable through the player), and a brief synopsis of what they depict, in substance and in part, by way of illustrative example:

⁴ The Honorable James L. Cott, United States Magistrate Judge for the Southern District of New York, authorized the search warrant on or about March 21, 2019.

Rape toddler girl (16-23).mpg (1 minutes 23 seconds)

A female toddler is held face down over a bed. A male adult inserts his erect penis into the female toddler's vagina, and she starts to scream and cry in pain.

5yo Chinese girl.mp4 (6 minutes 28 seconds)

A naked, female prepubescent child is laying down on a bed, where a male adult inserts his erect penis into her vagina. She starts to whimper, and he removes his erect penis from her vagina, turns her onto her knees, and proceeds to insert his finger in her vagina. She starts to whimper, and he removes his finger and inserts a pen in her vagina, at which point she starts to cry and after which he inserts his erect penis again into her vagina, and thereafter ejaculates on her.

5Yo Boy Fucks His 6Yo And 15Yo Sisters.mpg

A male prepubescent child has sex with a female prepubescent child in the woods and a female teenage child in a car.

5yr old girl anal (1).mp4 (1 minutes 2 seconds)

A female prepubescent child is laying on a bed where a male adult inserts his erect penis into her anus, at which point she appears to refrain from crying and attempts to smile.

7yo anal.mp4 (1 minute 42 seconds)

An adult male has anal sex with a crying female prepubescent child.

7Yo Strip And Suck.avi (4 minutes 27 seconds)

A female prepubescent child undresses and is instructed to open her legs, at which point the camera focuses on her genitals. She then dresses, kneels in front of an adult male, and performs oral sex on the adult male.

7yo girl ass-fucked doggystyle.wmv

An adult male has anal sex with a female prepubescent child, who states, in substance and in part, "no it hurts, no, please! It hurts," after which the male removes his erect penis from her anus and states, in substance and in part, "good girl."

11. Following execution of the search warrant at the Subject Premises, GEORGE PAGAN, a/k/a "tony," the defendant, stated to other law-enforcement agents by whom I am informed, in substance and in part, that he visited numerous chat rooms on Chatstep in which users, including himself, distributed and received child pornography, that he was the user of the alias "tony" and the other aliases that appeared on Chatstep and that are associated with IP Address-1 and in particular that he distributed the video recording file titled, "6whatsIsTHAT.mp4," that he obtained the child pornography on the External Drive from Chatstep, from which he accessed and saved the files to the External Drive, and that he is sexually attracted to children.

WHEREFORE, deponent respectfully requests that GEORGE PAGAN, a/k/a "tony," the defendant, be imprisoned or bailed, as the case may be.



KAREN RAMOS
Special Agent
Department of Homeland Security,
Immigration and Customs Enforcement,
Homeland Security Investigations

Sworn to before me this
2nd day of April, 2019

THE HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York